

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:06-797-JFA
)	
v.)	ORDER
)	
JOSE MANUEL OSEGUERRA-JIMENEZ)	
)	
)	

The defendant has filed a motion seeking relief from this court in terms of the sentence imposed on March 31, 2009. Under established rules of procedure for federal criminal cases, this court has lost jurisdiction to modify the defendant's sentence for any of the reasons advanced in his motion.

First, defendant contends that he is entitled to enter the Bureau of Prisons intensive drug treatment program which would allow him to reduce his sentence by one year. Administration of the intensive drug treatment program is committed entirely to the BOP, and this court does not have the authority to order the BOP to direct the defendant to participate in the program. Moreover, paragraph 83 of defendant's Presentence Report would seem to indicate that the defendant does not qualify for the program.

The defendant next complains that because he is an alien in this country illegally, he may not be allowed to spend the last six months of his sentence in a half-way house. Again, this is a decision committed to the discretion of the BOP, over which this court has no control.

Defendant next contends that it would save taxpayers about \$500,000 for the court to reduce the defendant's sentence. The defendant offers no authority for suggesting that the cost of incarceration is a factor that this court should consider at this juncture in reducing his sentence.

Finally, defendant refers to the so-called "fast track downward departure" under U.S.S.G. § 5K3.1. Again, this court has already imposed the sentence in this case and has no authority to modify the sentence pursuant to the guidelines or otherwise.

For all the foregoing reasons, the defendant's motion for a reduction in sentence (ECF No. 1363) is denied.

IT IS SO ORDERED.

May 29, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge